

## **REGULAR MEETING AGENDA**

Wednesday, October 17, 2012 7:45 P.M.  
Public Meeting Room 206  
Darien Town Hall, 2 Renshaw Road  
Darien, Connecticut

### **OPENING**

Requests to the ZBA involve important legal property rights. The proposal may expand one owner's limitations and reduce another's protections as defined within the Zoning Regulations. Therefore any information considered must be clearly provided and all hearing comments are recorded. **Please speak only into the microphones near the podium. And in order to avoid unnecessary distractions, please silence all electronic/communication devices and avoid side conversations** within the meeting room and hallway near the door.

**The ZBA will make every reasonable effort to complete this agenda in a timely manner. However complications may arise and it may be difficult to properly consider all of the requests tonight. You can be helpful by making your presentation efficiently.** Due to necessary scheduling of ZBA members, and possible involvement with other Board/Commission review, the following items may be considered out of sequence. Application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting. And some hearings may be completed tonight but ZBA deliberation of the requests may be postponed to a later date. After the hearing of the project you are interested in is concluded, you may choose to make subsequent inquiries about a possible decision to ZBA office staff at 203-656-7351 during regular business hours.

### **PUBLIC HEARINGS**

#### **CALENDAR NO. 43-2012**

The application of Rob Frangione, P.E. and Frangione Engineering, LLC on behalf of Gavin & Melissa Baiera filed on September 19, 2012 for variances of Sections 334 and 406 of the Darien Zoning Regulations, to allow the construction of a swimming pool with a

raised patio and equipment; Section 334: construction and installation of structural features, including a playset and generator equipment, on a portion of the lot with 100.0 in lieu of 150.0 feet minimum required lot width; and Section 406: 30.4 in lieu of 40.0 feet minimum required west rear yard setback and 30.8 in lieu of 40.0 feet minimum required east rear yard setback for the raised patio; 25.0 in lieu of 40.0 feet minimum required west rear yard setback and 21.0 in lieu of 40.0 feet minimum required east rear yard setback for the raised patio; 28.6 in lieu of 40.0 feet minimum required east rear yard setback for the pool equipment. The property is an interior lot accessed from a driveway situated on the north side of Shipway Road approximately 270 feet east of the intersection of Plymouth Road and Shipway Road and is shown on Tax Assessor's Map #57 as Lot #43, being 26 Shipway Road and located in an R-1 (residential) Zone.

#### **CALENDAR NO. 44-2012**

The application of Stephanie Mark and Residential Design Services on behalf of Fairmead Real Estate Associates, LLC and Rrock Shtufaj filed on September 19, 2012 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story addition; Section 406: 37.6 in lieu of 40.0 feet minimum required front yard setback; 7.1 in lieu of 25.0 feet minimum required south side yard setback; 24.1 in lieu of 50.0 feet minimum required total of two side yards setback; and 22.27 in lieu of 20.0 percent maximum allowable coverage. The property is situated on the west side of Fairmead Road approximately 600 feet south of the intersection of Fairmead Road and Old Kings Highway North and is shown on Assessor's Map #35 as Lot #23, being 19 Fairmead Road and located in an R-1 (residential) Zone.

#### **CALENDAR NO. 45-2012**      **To be Opened and Continued to November 14th**

The application of Kathleen and Hugh Golden filed on September 19, 2012 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations, to allow the construction of a replacement two story dwelling; Section 385: a determination that the subject lot is a legal nonconforming building lot with 80.0 in lieu of 100.0 feet minimum required lot width, and 16,795 in lieu of 21,780 minimum required lot area, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 80.0 in lieu of 100.0 feet minimum required lot width. The property is situated on the south side of Sunset Road approximately 1,000 feet east of the intersection of Mansfield Avenue and Sunset Road and is shown on Assessor's Map #15 as Lot #80, being 22 Sunset Road and located in an R-1/2 (residential) Zone.

#### **CALENDAR NO. 46-2012**

The application of Amy Zabetakis and Rucci Law Group, LLC on behalf of Maplewood of Darien filed on September 19, 2012 for a variance of Section 924 of the Darien Zoning

Regulations, to allow the installation of two monument signs; Section 924: installation of monument signs where none are permitted, in lieu of wall signage. The property is situated on the north side of Boston Post Road at the northeast corner formed by the intersection of Brookside Road and Boston Post Road and is shown on Assessor's Map #14 as Lot #33, being 599 Boston Post Road and located in a DB-2 (commercial) Zone and an R-1/2 (residential) Zone.

## **OTHER BUSINESS**

**This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.**

1. Discussion, deliberation and possible decisions for Public Hearing request items listed above. 4 affirmative votes out of the 5 seated ZBA members are required to approve a proposal.
2. Requested amendment to the approved plans of Calendar No. 90 - 2004, Dan McNulty, 6 Woodley Road.
3. Requested amendment to the approved plans of Calendar No. 18-2012, Pamela Thompson, 35 Fairfield Avenue.
4. Requested extension, to obtain all required permits and begin on-site construction for ZBA Calendar No. 20-2010, Louis Benedetto, 000 Raymond Street. The Public Hearing of this matter was April 28, 2010. Initial ZBA approval would have expired on November 13, 2010. Following a November 11, 2010 request, on December 15, 2010 the ZBA granted a 12 month extension to November 13, 2011. Following a subsequent November 8, 2011 request, on November 16, 2011 the ZBA granted another 12 month extension to November 13, 2012.
5. Approval of Minutes of meeting on September 12, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Jeff Williams, Ruth Anne Ramsey, and John Ashburne.
6. Discussion and possible recommendations for Zoning Regulation changes to the Planning & Zoning Commission.
7. General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision

practices/guidelines/ staff questions, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.

8. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).